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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,257	04/26/2006	Kenji Mizushima	27346U	9633
20529 7590 03/25/2009 THE NATH LAW GROUP 112 South West Street Alexandria, VA 22314				
EXAMINER EUSTAQUIO, CAL J				
ART UNIT		PAPER NUMBER		
2612				
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03/25/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/577,257

Applicant(s)

MIZUSHIMA ET AL.

Examiner

CAL EUSTAQUIO

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### DETAILED ACTION

1. Claims 1-2 are presented for examination.

#### Information Disclosure Statement

2. The Information Disclosure Statement dated 04/26/2006 has been considered unless otherwise noted.

#### Claim Rejections - 35 USC § 112-2

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "deforming" in claim1 is used by the claim to mean "pulling of causing to unlatch", while the accepted meaning is "distorting or bending out of shape." The term is indefinite because the specification does not clearly redefine the term.

#### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1 and 2 are rejected under 35 U.S.C. § 103 as being obvious over March et al, U.S. 2003/0063037 A1 in view of Maruyama et al, U.S. 2003/0184489 A1.

As to claim 1, March discloses the following:

FIG. 10 and page 3, paragraph 39, a vehicle door handle assembly that includes a door lock mechanism, (A door open-close device for control of a lock mechanism of a door by a circuit housed in a door handle),

Page 4, paragraph 43 discloses a flexible circuit member coupled to the electrical locking control system for locking/unlocking the latching mechanism of the vehicle door, inherently including a lock switch (the door open-close device comprising: a lock switch connected to an external circuit so as to control the external circuit);

Page 3, paragraph 40 discloses an antenna built into the handle. Page 4, paragraph 43 discloses a handle portion disposed to unlock and lock the door handle when the operator pulls the door handle (and an antenna disposed to have a gap

toward the lock switch and press down the lock switch at a time of deforming by being grasped by an operator). Deforming, according to the examiner, means pulling or causing to open. A gap between the antenna and the lock switch can mean any amount of space between the antenna and the lock switch, as in FIGS. 9 and 10.

Page 3, paragraph 40 discloses a connector 18 coupled to an antenna which is connected to the vehicle locking system, (the conductor being connected to the external circuit so as to communicate with an external portable device).

While in page 3, paragraph 40, March discloses an antenna built into the handle of a vehicle handle assembly, March does not disclose an antenna having a flexible core. Maruyama discloses an antenna and manufacturing method for the same which discloses, on page 1, paragraphs 9 and 18, a magnetic ribbons formed through a deformable member forming a core portion for a vehicle car door antenna (the antenna including a core portion of a soft magnetic material having flexibility and a conductor wound around the core portion). One of ordinary skill in the art would have found it obvious to produce a flexible coil core as described in Maruyama and replace the antenna coil which was found in March to produce the claimed limitations. Flexible coil cores are useful and provide resilience and toughness which are qualities that are resistant to vibration and shock that would otherwise damage a solid inflexible coil core.

As to claim 2, March, in FIG. 10 and page 3, paragraphs 39 and 40, discloses a coiled wire antenna contained within a vehicle door handle, (The door open-close device of claim 1, wherein the antenna further including a cover handle configured to be

installed in the door handle, the cover handle having the core portion and the conductor sealed in).

#### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as follows:

U.S. Patent Application to Nakamura et al, U.S. 2007/0273596 A1 which discloses an antenna apparatus comprising a magnetic core which is utilized in a vehicle door handle.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAL EUSTAQUIO whose telephone number is (571)270-7229. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee, can be reached at (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E./

Examiner, Art Unit 2612

/Benjamin C. Lee/

Supervisory Patent Examiner, Art Unit 2612